

STATEMENT OF FACTS

Your affiant, Michael Stults, is a FBI Special Agent assigned to Seattle, Washington. In my duties as a special agent, I am detailed to a squad which focuses on investigations of domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the U.S. Capitol on January 6, 2021. As a Special Agent, I am authorized by law or by a government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the U.S. Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the U.S. Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On or around February 28, 2021, the FBI received information in a tip that Brian Raymond Jones (“JONES”) and Patrick John King (“KING”) entered the U.S. Capitol on January 6, 2021. More specifically, the tipster, (“WITNESS-1”), indicated they had seen a photograph on Facebook of JONES and KING smoking marijuana inside the U.S. Capitol, but they were unable to download or save the photograph at the time.

A follow-up interview with WITNESS-1 detailed that JONES and KING reside in Mount Vernon, Washington, and that WITNESS-1 has known JONES and KING since they attended middle school together. Since then, WITNESS-1, JONES, and KING, have all maintained common friends in the community. WITNESS-1 explained they were shown the Facebook photograph by a friend (“WITNESS-2”) on WITNESS-2’s cell phone. WITNESS-2 was sent the photograph via Facebook Messenger. WITNESS-2 is also friends with JONES and KING. As WITNESS-1 saw the photograph temporarily from WITNESS-2’s Facebook account, WITNESS-1 is uncertain who shared the photograph over Facebook Messenger.

Investigators reviewed CCTV surveillance footage from inside the U.S. Capitol building. Review of the surveillance footage revealed an individual matching the physical appearance of JONES enter the Capitol building through the Senate Wing Doors at approximately 2:21 p.m. (Figure 1.)

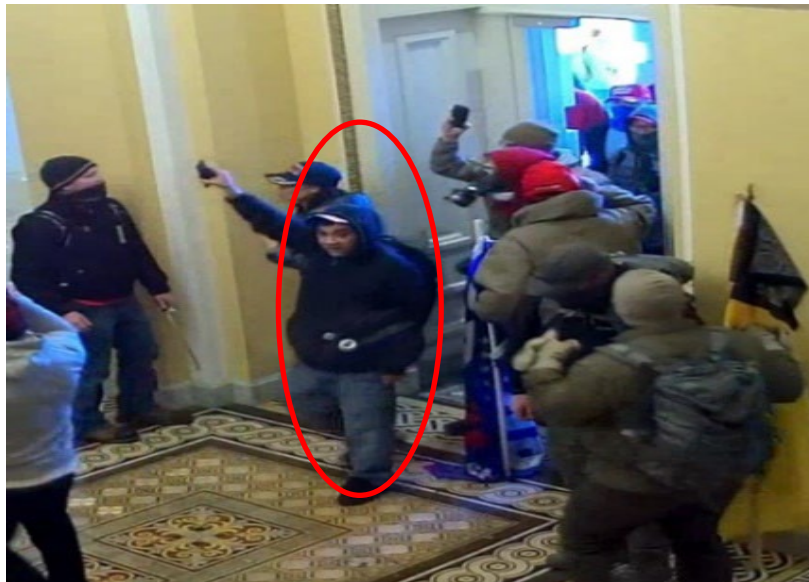


Figure 1

Review of the surveillance footage also revealed an individual matching the physical appearance of KING enter the east entrance doors that led to the Rotunda at approximately 2:45 p.m. (Figure 2). KING's entry was also captured in an open-source photograph. (Figure 3.)



Figure 2



Figure 3

Soon thereafter, the individuals matching the appearances of JONES and KING met outside Rotunda. (Figure 4.) They then proceed into the Rotunda. (Figure 5.)



Figure 4



Figure 5

JONES and KING both walked throughout the U.S. Capitol before eventually exiting the building. A close-up screen capture of KING's face was also developed from surveillance footage. (Figure 6.)



Figure 6

WITNESS-1 viewed screen captures from surveillance footage (Figures 1, 2, 4, and 6), and positively identified both JONES (Figures 1 and 4) and KING (Figures 2, 4, and 6).

The FBI received another tip from an individual ("WITNESS-3"), who owns a business near where KING and JONES live. WITNESS-3 reported a customer came into their business soon after January 6, 2021. While the customer was inside, a television was playing news coverage of the U.S. Capitol riot, to which the customer told WITNESS-3 that KING, a family member, was "involved in that" and "went inside" the U.S. Capitol.

Records provided by Verizon Wireless through legal process identified cell phone numbers registered to KING and JONES. The records also indicated that KING and JONES both used their phones while in Washington, D.C. on January 6, 2021. KING's cellphone utilized a cell site consistent with providing service to a geographic area that includes the interior of the U.S. Capitol building.

Records provided by Google, Inc. through legal process identified an email address and Google account belonging to KING. According to these records, a mobile device associated with KING's email address was present inside the Capitol on January 6, 2021, between 2:12 p.m. and 3:02 p.m.

The Google, Inc. records also identified an email address and Google account belonging to JONES. JONES's account contained several photographs and videos of himself and KING in Washington D.C., attending a political rally, marching to the U.S. Capitol building, and walking up the steps on the west side of the Capitol building. (Figure 7.)



Figure 7

The Google, Inc. records also indicated that JONES and KING conducted multiple searches through Google in the evening of January 6, 2021 and later related to the criminality of entering the U.S. Capitol. Examples of searched phrases included: “Is it illegal to go into the Capitol,” “US Capitol facial recognition,” “Unlawful entry charge,” “Law definition of ‘breach’,” “DC police release photos of people who broke into Capitol,” and several others. Based on my training and experience, individuals who express a contemplation of guilt for their crimes often research criminal acts and how they could be identified for committing those acts.

In addition to searching terms related to criminality of entering the U.S. Capitol building, JONES’ search history from his Google account also showed that prior to his departure to Washington D.C., he queried information about the legality of marijuana in Washington D.C. JONES’s search related to marijuana laws in Washington D.C. further corroborated WITNESS-1’s description of the Facebook photograph of JONES and KING smoking marijuana inside the U.S. Capitol on January 6, 2021.

Records provided by Delta and United airlines through legal process confirmed that JONES and KING traveled from Seattle, WA to the Baltimore, MD on January 5, 2021, and returned to Seattle, WA on January 7, 2021.

Records provided by Marriott through legal process confirmed that JONES had booked and stayed in a Marriott property in Washington, D.C. on January 5 and 6, 2021.

Records provided by Facebook through legal process identified accounts belonging to JONES and KING. A review of the records regarding KING’s account provided several Facebook Messenger conversations where KING told others how he and JONES had gone into the U.S. Capitol. KING further stated in multiple conversations that he had concerns about being arrested for his actions. KING stated he “Smoked weed n shit” while in the U.S. Capitol and “was part of rushing the riot police.” KING also states he “went to punk congress... let them know we ain’t fuckin around no more.” KING also had two videos that were filmed from inside the U.S. Capitol still available in his Facebook records. One video was of a crowded hallway within the U.S. Capitol

on January 6, 2021. The second video was of KING smoking what appears to be a marijuana joint inside the crowded halls of the U.S. Capitol building. (Figure 8.)



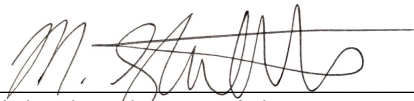
Figure 8

A review of the records associated with JONES' Facebook account provided a conversation that JONES had where he expressed anxiety about being arrested for going into the U.S. Capitol building in D.C. In another conversation, JONES indicated that he deleted anything 'political' from his account and was creating another Facebook account where only his close friends and family are connected.

Based on the foregoing, your affiant submits that there is probable cause to believe that JONES and KING violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily

visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that JONES and KING violated 40 U.S.C. § 5104(e)(2), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; (G) parade, demonstrate, or picket in any of the Capitol Buildings.

A handwritten signature in black ink, appearing to read 'M. Stults', is written over a horizontal line.

Michael Stults, Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 15th day of March, 2022.

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE